

UNOFFICIAL VERSION

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MONDAY, MARCH 19, 2012

SIXTY-SECOND LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 5:00 p.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Pastor Adam Faughn of Lebanon Road Church of Christ in Nashville, Tennessee, a guest of Senator Haynes.

PRESENTATION

Senator Overbey introduced Mr. Jimmy Wayne who sang the *National Anthem*.

PLEDGE OF ALLEGIANCE

Senator Haynes led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bill No. 3801** be passed on first consideration, which motion prevailed.

INTRODUCTION OF BILL

The Speaker announced that the following bill was filed for introduction and passed first consideration:

Senate Bill No. 3801 by Senator McNally.

Monroe County -- As introduced, subject to local approval, reapportions, after the 2010 U.S. census, Monroe County school districts. Amends Chapter 117 of the Private Acts of 1963.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 2337, 2854, 2856, 3007, 3283, 3727 and 3849** be passed on first consideration, which motion prevailed.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 2337 -- Children's Services, Dept. of -- As introduced, removes the 2012 repeal date for the "Tennessee's Transitioning Youth Empowerment Act of 2010". Amends TCA Section 37-2-417 and Chapter 1065 of the Public Acts of 2010.

House Bill No. 2854 -- Sexual Offenders -- As introduced, provides that if a sexual offender is not incarcerated at the time of sentencing, the offender is to report to a probation officer for the purpose of giving a DNA specimen; provides that cost of sample is to be paid by the offender. Amends TCA Title 40, Chapter 35, Part 3.

House Bill No. 2856 -- Sexual Offenses -- As introduced, clarifies that law permits prosecution and conviction for displaying sexual activity to a minor by electronic communication regardless of whether the victim is a minor or an undercover police officer posing as a minor. Amends TCA Title 39.

House Bill No. 3007 -- Highways, Roads and Bridges -- As introduced, revises structure and operation of certain county highway departments. Amends TCA Title 54, Chapter 7.

House Bill No. 3283 -- Sexual Offenders -- As introduced, authorizes judge, after consideration of facts and circumstances surrounding the case, to require a person convicted of statutory rape for the first time to register as a sexual offender on the sexual offender and violent sexual offender registry. Amends TCA Title 39, Chapter 13, Part 5 and Title 40, Chapter 39, Part 2.

House Bill No. 3727 -- Naming and Designating -- As introduced, names pathway surrounding Tennessee Bicentennial Mall in honor of Andrea Conte.

House Bill No. 3849 -- Weakley County -- As introduced, subject to local approval, abolishes the Weakley County Highway Commission.

MOTION

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bills Nos. 3798 and 3800** be passed on second consideration and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committees or held on the Clerk's desk:

Senate Bill No. 3798 Local bill -- held on desk.

Senate Bill No. 3800 Local bill -- held on desk.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 697 through 701** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 697 by Senator Overbey.
Memorials, Sports -- Maryville High School football team, Class 6A Champion.

Senate Joint Resolution No. 698 by Senator Overbey.
Memorials, Sports -- Patton Robinette, Gatorade Tennessee Football Player of the Year.

Senate Joint Resolution No. 699 by Senator Haynes.
Memorials, Death -- James McDonald "Mack" Smith.

Senate Joint Resolution No. 700 by Senator Haynes.
Memorials, Retirement -- Daniel Kellum.

Senate Joint Resolution No. 701 by Mr. Speaker Ramsey.
General Assembly, Studies -- Creates special joint committee to study zoning and planning issues within the state.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 577, 587, 758 through 765, 785 and 790; Senate Joint Resolutions Nos. 672 through 695; and Senate Resolutions Nos. 89 and 90** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 577 -- General Assembly, Statement of Intent or Position -- Expresses support for establishment of a West Tennessee Veterans Home.

The Speaker announced that he had referred House Joint Resolution No. 577 to the Committee on State and Local Government.

House Joint Resolution No. 587 -- General Assembly, Statement of Intent or Position -- Recognizes the destructive and insidious nature of United Nations Agenda 21.

The Speaker announced that he had referred House Joint Resolution No. 587 to the Committee on State and Local Government.

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House Joint Resolution No. 758 -- Memorials, Recognition -- Steve Bowers, Jackson's Man of the Year.

The Speaker announced that he had referred House Joint Resolution No. 758 to the Committee on Calendar.

House Joint Resolution No. 759 -- Memorials, Recognition -- Dr. Timothy M. Hill.

The Speaker announced that he had referred House Joint Resolution No. 759 to the Committee on Calendar.

House Joint Resolution No. 760 -- Memorials, Heroism -- Casey Crone.

The Speaker announced that he had referred House Joint Resolution No. 760 to the Committee on Calendar.

House Joint Resolution No. 761 -- Memorials, Academic Achievement -- Abigail Bellamy, Top 5, Cherokee High School.

The Speaker announced that he had referred House Joint Resolution No. 761 to the Committee on Calendar.

House Joint Resolution No. 762 -- Memorials, Academic Achievement -- Hanna Hamilton, Top 5, Cherokee High School.

The Speaker announced that he had referred House Joint Resolution No. 762 to the Committee on Calendar.

House Joint Resolution No. 763 -- Memorials, Academic Achievement -- Aislinn Bass, Top 5, Cherokee High School.

The Speaker announced that he had referred House Joint Resolution No. 763 to the Committee on Calendar.

House Joint Resolution No. 764 -- Memorials, Academic Achievement -- Anna Smelser, Top 5, Cherokee High School.

The Speaker announced that he had referred House Joint Resolution No. 764 to the Committee on Calendar.

House Joint Resolution No. 765 -- Memorials, Academic Achievement -- Hayden Ottinger, Top 5, Cherokee High School.

The Speaker announced that he had referred House Joint Resolution No. 765 to the Committee on Calendar.

House Joint Resolution No. 785 -- General Assembly, Statement of Intent or Position -- Supports Tennessee Titans potential signing of Peyton Manning.

The Speaker announced that he had referred House Joint Resolution No. 785 to the Committee on Calendar.

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House Joint Resolution No. 790 -- Memorials, Recognition -- East Tennessee State University's American Cancer Society Relay for Life.

The Speaker announced that he had referred House Joint Resolution No. 790 to the Committee on Calendar.

Senate Joint Resolution No. 672 -- Memorials, Sports -- Riverdale High School Lady Warriors basketball team, Class AAA State Champions.

The Speaker announced that he had referred Senate Joint Resolution No. 672 to the Committee on Calendar.

Senate Joint Resolution No. 673 -- Memorials, Recognition -- Scottsboro United Methodist Church, 100th anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 673 to the Committee on Calendar.

Senate Joint Resolution No. 674 -- Memorials, Recognition -- Tennessee Education Lottery Corporation and the Tennessee Education Lottery.

The Speaker announced that he had referred Senate Joint Resolution No. 674 to the Committee on Calendar.

Senate Joint Resolution No. 675 -- Memorials, Academic Achievement -- Adam Michael Barton, Salutatorian, William Blount High School.

The Speaker announced that he had referred Senate Joint Resolution No. 675 to the Committee on Calendar.

Senate Joint Resolution No. 676 -- Memorials, Academic Achievement -- Chelsie Kay Smith, Valedictorian, Heritage High School.

The Speaker announced that he had referred Senate Joint Resolution No. 676 to the Committee on Calendar.

Senate Joint Resolution No. 677 -- Memorials, Academic Achievement -- Evan Chase Nelson, Salutatorian, Heritage High School.

The Speaker announced that he had referred Senate Joint Resolution No. 677 to the Committee on Calendar.

Senate Joint Resolution No. 678 -- Memorials, Academic Achievement -- Emily Magee Guillaume, Valedictorian, William Blount High School.

The Speaker announced that he had referred Senate Joint Resolution No. 678 to the Committee on Calendar.

Senate Joint Resolution No. 679 -- Memorials, Academic Achievement -- Jacob Bilbrey, Valedictorian, Macon County High School.

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The Speaker announced that he had referred Senate Joint Resolution No. 679 to the Committee on Calendar.

Senate Joint Resolution No. 680 -- Memorials, Academic Achievement -- Cassandra Cooper, Salutatorian, Clay County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 680 to the Committee on Calendar.

Senate Joint Resolution No. 681 -- Memorials, Academic Achievement -- Mary Elizabeth Copeland, Valedictorian, Clay County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 681 to the Committee on Calendar.

Senate Joint Resolution No. 682 -- Memorials, Academic Achievement -- Rachel Marie Wakefield, Salutatorian, Macon County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 682 to the Committee on Calendar.

Senate Joint Resolution No. 683 -- Memorials, Academic Achievement -- Tori West, Salutatorian, Smith County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 683 to the Committee on Calendar.

Senate Joint Resolution No. 684 -- Memorials, Academic Achievement -- Amber Gross, Valedictorian, Smith County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 684 to the Committee on Calendar.

Senate Joint Resolution No. 685 -- Memorials, Academic Achievement -- Timmy Allen Harper, Valedictorian, Troup County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 685 to the Committee on Calendar.

Senate Joint Resolution No. 686 -- Memorials, Academic Achievement -- Shelby Gregory, Salutatorian, Troup County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 686 to the Committee on Calendar.

Senate Joint Resolution No. 687 -- Memorials, Retirement -- Gleya Twila.

The Speaker announced that he had referred Senate Joint Resolution No. 687 to the Committee on Calendar.

Senate Joint Resolution No. 688 -- Memorials, Retirement -- Jane Heathcott.

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The Speaker announced that he had referred Senate Joint Resolution No. 688 to the Committee on Calendar.

Senate Joint Resolution No. 689 -- Highway Signs -- "Paul Easter Bridge", Midtown interchange on I-40 in Roane County.

The Speaker announced that he had referred Senate Joint Resolution No. 689 to the Committee on Transportation and Safety.

Senate Joint Resolution No. 690 -- Highway Signs -- "James W. Harmon Bridge", Midtown interchange on I-40 in Roane County.

The Speaker announced that he had referred Senate Joint Resolution No. 690 to the Committee on Transportation and Safety.

Senate Joint Resolution No. 691 -- Memorials, Death -- Judge Charles Howard Bozeman.

The Speaker announced that he had referred Senate Joint Resolution No. 691 to the Committee on Calendar.

Senate Joint Resolution No. 692 -- Memorials, Sports -- Soddy Daisy High School wrestling team.

The Speaker announced that he had referred Senate Joint Resolution No. 692 to the Committee on Calendar.

Senate Joint Resolution No. 693 -- Constitutional Amendments -- As introduced, proposes an amendment to Article VI, Section 5 to provide for selection of the state attorney general by means of gubernatorial appointment with legislative confirmation; and provides for a four-year term of office.

The Speaker announced that he had referred Senate Joint Resolution No. 693 to the Committee on Judiciary.

Senate Joint Resolution No. 694 -- Memorials, Sports -- University of Tennessee at Chattanooga Mocs wrestling team, Southern Conference Tournament Champion.

The Speaker announced that he had referred Senate Joint Resolution No. 694 to the Committee on Calendar.

Senate Joint Resolution No. 695 -- Memorials, Retirement -- Dr. Gary Goff.

The Speaker announced that he had referred Senate Joint Resolution No. 695 to the Committee on Calendar.

Senate Resolution No. 89 -- General Assembly, Confirmation of Appointment -- Pastor Keith Norman, Tennessee Ethics Commission.

The Speaker announced that he had referred Senate Resolution No. 89 to the Committee on State and Local Government.

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Senate Resolution No. 90 -- Memorials, Interns -- Alex King.

The Speaker announced that he had referred Senate Resolution No. 90 to the Committee on Calendar.

MOTION

Senator Tracy moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 3266**; and **Senate Joint Resolutions Nos. 689 and 690** on the calendar for the Committee on Transportation and Safety for Wednesday, March 21, 2012, which motion prevailed.

CONSENT CALENDAR NO. 1

Senate Joint Resolution No. 666 -- Memorials, Sports -- Webb School of Knoxville Lady Spartans basketball team, Division II-A State Championship.

Senate Joint Resolution No. 667 -- Memorials, Death -- Max Broyles.

Senate Joint Resolution No. 669 -- Memorials, Recognition -- Roane State Community College.

Senate Joint Resolution No. 670 -- Memorials, Sports -- Tennessee Tech's softball team.

House Joint Resolution No. 745 -- Memorials, Recognition -- Detective Christopher Golden, Bartlett Police Department 2011 Officer of the Year.

House Joint Resolution No. 747 -- Memorials, Retirement -- John Sanford.

House Joint Resolution No. 748 -- Memorials, Professional Achievement -- Ashley Harris, Teacher of the Year, Williamson County.

House Joint Resolution No. 752 -- Memorials, Death -- Rev. Eugene "Gene" W. Whited.

House Joint Resolution No. 754 -- Memorials, Academic Achievement -- Chenran Liu, Siemens Foundation Award for Advanced Placement.

House Joint Resolution No. 755 -- Memorials, Recognition -- Jiffy Steam Company, SHARP Award.

House Joint Resolution No. 756 -- Memorials, Recognition -- John "Johnny" Boyd Cothran, Cothran Farms, Century Farm.

House Joint Resolution No. 757 -- Memorials, Death -- Pastor Steve Gray.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 32
Noes 0

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Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Objections having been raised, the following bills were placed at the heel of the calendar for Thursday, March 22, 2012, pursuant to Rule 38: **Senate Bills Nos. 2802 and 3392.**

Senate Bill No. 2431 -- Education, Higher -- As introduced, authorizes and encourages reverse articulation or reverse transfer agreements between the board of regents' community colleges and universities in the board of regents and UT systems and that are private SACS accredited institutions. Amends TCA Title 49.

On motion, Senate Bill No. 2431 was made to conform with **House Bill No. 2827.**

On motion, House Bill No. 2827, on same subject, was substituted for Senate Bill No. 2431.

Senate Bill No. 2740 -- Municipal Government -- As introduced, extends municipal pilot program deadline from 2012 to 2015 for dealing with abandoned construction. Amends TCA Section 13-21-102.

On motion, Senate Bill No. 2740 was made to conform with **House Bill No. 2848.**

On motion, House Bill No. 2848, on same subject, was substituted for Senate Bill No. 2740.

Senate Bill No. 2900 -- Education -- As introduced, requires a special education diploma be awarded to students who have satisfactorily completed an IEP with satisfactory attendance and conduct, but who have not passed the proficiency tests required for graduation with a regular diploma. Amends TCA Title 49, Chapter 6, Part 60.

Senate Bill No. 2910 -- Physicians and Surgeons -- As introduced, voids contractual restrictions on a physician's right to practice medicine if such physician is employed independently of a bona fide practice purchase and is terminated by an employing entity for reasons other than breach by the employee. Amends TCA Section 63-6-204 and Section 68-11-205.

Senate Bill No. 2920 -- Jails, Local Lock-ups -- As introduced, directs the board of the Tennessee corrections institute to establish criteria for determining whether to waive the minimum qualification standards to employ a jail administrator, workhouse administrator, jailer, corrections officer or guard in county jail or workhouse; and prohibits waivers for employees dishonorably discharged from the military, suffering from mental illness, convicted of domestic assault or any felony conviction. Amends TCA Section 41-7-106.

Senate Bill No. 2943 -- Insurance, Health, Accident -- As introduced, states that coverage made available in plans under the "Memphis Plan Act of 1991" shall constitute minimum essential health coverage for purposes of compliance with certain federal minimum coverage requirements. Amends TCA Title 56, Chapter 7.

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Senate Bill No. 3374 -- Election Laws -- As introduced, allows City of Estill Springs to permit nonresident property owners to vote in municipal elections upon two-thirds approval of municipal legislative body. Amends TCA Section 6-53-102.

On motion, Senate Bill No. 3374 was made to conform with **House Bill No. 3067**.

On motion, House Bill No. 3067, on same subject, was substituted for Senate Bill No. 3374.

Senate Bill No. 3649 -- Ethics -- As introduced, requires members of local and regional planning commissions to file disclosure statements of conflicts of interest with Tennessee Ethics Commission. Amends TCA Title 8, Chapter 50, Part 5.

Senate Resolution No. 79 -- Court Rules -- Approves amendments and revisions to Tennessee rules of criminal procedure.

Senate Resolution No. 80 -- Court Rules -- Approves amendments and revisions to Tennessee rules of appellate procedure.

Senate Resolution No. 81 -- Court Rules -- Approves amendments and revisions to Tennessee rules of evidence.

Senate Resolution No. 82 -- Court Rules -- Approves amendments and revisions to Tennessee rules of juvenile procedure.

Senate Joint Resolution No. 552 -- General Assembly, Statement of Intent or Position -- Urges support for school-aged children's access to immunization through school-based vaccination programs.

House Joint Resolution No. 522 -- Naming and Designating -- "John T. Cunningham Day", August 12, 2012.

House Joint Resolution No. 568 -- General Assembly, Confirmation of Appointment -- Craig V. Powers, Board of Directors of Tennessee Education Lottery Corporation.

Senator Faulk moved that all Senate Joint Resolutions and Senate Resolutions be adopted; all House Joint Resolutions be concurred in; and all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

LOCAL BILL
CONSENT CALENDAR

Senate Bill No. 3778 -- Sequatchie County -- As introduced, subject to local approval, divides Sequatchie County into nine school districts, which are identical to the county legislative body districts, rather than eight districts. Amends Chapter 83 of the Private Acts of 2002.

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On motion, Senate Bill No. 3778 was made to conform with **House Bill No. 3834**.

On motion, House Bill No. 3834, on same subject, was substituted for Senate Bill No. 3778.

Senator Faulk moved that all House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 893 -- Teachers, Principals and School Personnel -- As introduced, protects a teacher from discipline for teaching scientific subjects in an objective manner. Amends TCA Title 49, Chapter 6, Part 10.

Senator Crowe declared Rule 13 on **Senate Bill No. 893**.

On motion, Senate Bill No. 893 was made to conform with **House Bill No. 368**.

On motion, House Bill No. 368, on same subject, was substituted for Senate Bill No. 893.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following language as a preamble to the bill:

WHEREAS, the general assembly finds that:

(1) An important purpose of science education is to inform students about scientific evidence and to help students develop critical thinking skills necessary to become intelligent, productive, and scientifically informed citizens;

(2) The teaching of some scientific subjects required to be taught under the curriculum framework developed by the State Board of Education may cause debate and disputation including, but not limited to, biological evolution, the chemical origins of life, global warming, and human cloning; and

(3) Some teachers may be unsure of the expectation concerning how they should present information when debate and disputation occur on such subjects; now, therefore,

AND FURTHER AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 10, is amended by adding the following as a new, appropriately designated section:

(a) The State Board of Education, public elementary and secondary school governing authorities, directors of schools, school system administrators, and public elementary and secondary school principals and administrators shall endeavor to create an environment within public elementary and secondary schools that encourages students to explore scientific questions, learn about scientific evidence, develop critical thinking skills, and respond appropriately and respectfully to differences of opinion about scientific subjects required to be taught under the curriculum framework developed by the State Board of Education.

(b) The State Board of Education, public elementary and secondary school governing authorities, directors of schools, school system administrators, and public elementary and secondary school principals and administrators shall endeavor to assist teachers to find effective ways to present the science curriculum taught under the curriculum framework developed by the State Board of Education as it addresses scientific subjects that may cause debate and disputation.

(c) Neither the State Board of Education, nor any public elementary or secondary school governing authority, director of schools, school system administrators, or any public elementary or secondary school principal or administrators shall prohibit any teacher in a public school system of this state from helping students understand, analyze, critique, and review in an objective manner the scientific strengths and scientific weaknesses of existing scientific theories covered in the course being taught within the curriculum framework developed by the State Board of Education.

(d) This section only protects the teaching of scientific information, and shall not be construed to promote any religious or non-religious doctrine, promote discrimination for or against a particular set of religious beliefs or non-beliefs, or promote discrimination for or against religion or non-religion.

SECTION 2. By no later than the start of the 2012-2013 school term, the Department of Education shall notify all directors of schools of the provisions of this act. Each director shall notify all employees within the director's school system of the provisions of this act.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 368**, as amended, passed its third and final consideration by the following vote:

Ayes	25
Noes	8

Senators voting aye were: Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Henry, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--25.

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Senators voting no were: Barnes, Berke, Ford, Harper, Haynes, Herron, Kyle and Marrero--8.

A motion to reconsider was tabled.

Senate Bill No. 2156 -- Students -- As introduced, prohibits promotion of students in the third and eighth grades who do not demonstrate understanding of the curriculum and the ability to perform required grade level skills either through the student's grades or standardized test scores, except under certain circumstances. Amends TCA Section 49-6-3115.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-3115, is amended by designating the existing language as subsection (a) and by adding the following language as new subsection (b):

(b) Charter schools may promote or retain students based upon the students' demonstrated skills on the Tennessee Comprehensive Assessment Program (TCAP) tests or upon their grades.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2156**, as amended, passed its third and final consideration by the following vote:

Ayes	26
Noes	0
Present, not voting . . .	4

Senators voting aye were: Beavers, Bell, Berke, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Henry, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--26.

Senators present and not voting were: Barnes, Ford, Haynes and Marrero--4.

A motion to reconsider was tabled.

Senate Bill No. 2199 -- Children's Services, Dept. of -- As introduced, removes the 2012 repeal date for the "Tennessee's Transitioning Youth Empowerment Act of 2010". Amends TCA Section 37-2-417 and Chapter 1065 of the Public Acts of 2010.

Senator Overbey declared Rule 13 on **Senate Bill No. 2199**.

On motion, Senate Bill No. 2199 was made to conform with **House Bill No. 2337**.

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On motion, House Bill No. 2337, on same subject, was substituted for Senate Bill No. 2199.

Thereupon, **House Bill No. 2337** passed its third and final consideration by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senate Bill No. 2208 -- Education -- As introduced, revises various provisions governing school accountability and achievement school district. Amends TCA Title 49, Chapter 1, Part 6 and Title 49, Chapter 13.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-601, is amended by deleting the section in its entirety.

SECTION 2. Tennessee Code Annotated, Section 49-1-602, is amended by deleting the section in its entirety and substituting instead the following:

(a)(1) The State Board of Education, in consultation with the commissioner, shall establish appropriate performance goals and measures. By September 1 of each year, the commissioner shall present to the state board for approval annual measurable objectives for achievement and achievement gap closures for the state and LEAs. Every LEA shall be evaluated based on the combination of overall student achievement data and achievement gap closure targets as set by the state board.

(2) If an LEA achieves both the achievement and achievement gap closure targets set by the state board, it shall:

(A) Be identified by the department as an exemplary LEA;

(B) Be permitted to develop and maintain school improvement plans at the LEA level without approval by the department; and

(C) When permissible by law, rule or regulation, be granted increased latitude in funding flexibility by the department.

(3) If an LEA misses the achievement target, achievement gap closure target or both, the LEA shall be subject to at least one (1) of the following, subject to the rules, regulations and performance standards of the state board:

(A) Placement on a public list of LEAs in need of improvement;

(B) Creation of an aggressive plan for corrective action and submission of such plan to the commissioner for approval; and

(C) Preparation and submission of a detailed analysis of its student achievement results to the commissioner, along with a plan to achieve its annual measurable objectives, subject to the approval of the commissioner.

(b)(1) By September 1, 2012, and at a minimum every three (3) years thereafter, based on an evaluation of all schools' achievement data, the commissioner of education shall recommend for approval to the state board a listing of all schools to be placed in priority, focus or reward status pursuant to the rules, regulations and performance standards of the state board. Once approved by the state board, priority, focus and reward schools shall be publicly identified by the commissioner.

(2) Schools identified as priority schools shall represent the bottom five percent (5%) of schools in overall achievement as determined by the performance standards and other criteria set by the state board and shall be subject to one (1) of the following interventions as determined by the commissioner:

(A) Turnaround through LEA adoption of an identified school improvement grant (SIG) intervention model or other LEA-led school improvement process, subject to approval by the commissioner;

(B) School turnaround under the governance of an LEA innovation zone pursuant to § 49-1-602(c); or

(C) Placement in the achievement school district as defined in § 49-1-614.

(3) An LEA with a school or schools identified as focus schools shall submit a plan to the commissioner, subject to the commissioner's approval, outlining how the LEA shall address the factors leading the school or schools to be placed in focus status.

(4) Reward schools shall be recognized by the department for outstanding achievement or progress and provided opportunities to serve as strategic partners with the department to raise student achievement levels throughout the state by analyzing and sharing best practices.

(c) An LEA may develop a plan for the creation of an LEA innovation zone for the purpose of monitoring, overseeing and improving schools within the LEA that are designated as priority schools pursuant to subsection (b) and approved for inclusion

in the innovation zone by the commissioner. Upon approval of such plan by the commissioner, an LEA innovation zone may be established. Notwithstanding any other provision to the contrary, an LEA creating an LEA innovation zone shall:

(1) Establish an innovation zone office; appoint a leader for such office; and provide such leader with sufficient management authority to appoint and dismiss staff for the office as well as appoint a leader for each school placed in the innovation zone; and

(2) Allow schools under the governance of the innovation zone office to have maximum autonomy over financial, programmatic and staffing decisions.

SECTION 3. Tennessee Code Annotated, Section 49-13-106(b)(1)(C)(i), is amended by deleting the language "failing to make adequate yearly progress" and substituting instead the language "identified as a priority school".

SECTION 4. Tennessee Code Annotated, Section 49-13-122(a)(2), is amended by deleting the subdivision in its entirety and substituting instead the following:

(2) Received identification as a priority school, as defined by the state's accountability system; or

SECTION 5. Tennessee Code Annotated, Section 49-13-122(d), is amended by deleting the language "or failure to make adequate yearly progress for two (2) consecutive years" and substituting instead the language "or failure to remain out of priority status".

SECTION 6. Tennessee Code Annotated, Section 49-1-614, is amended by deleting the section in its entirety and substituting instead the following:

(a) The "achievement school district" or "ASD" is an organizational unit of the Department of Education, established and administered by the commissioner for the purpose of providing oversight for the operation of schools assigned to or authorized by the ASD.

(b) The commissioner shall have the authority to directly operate or contract with one (1) or more individuals, governmental entities or nonprofit entities to manage the day-to-day operations of any or all schools placed in the ASD, including, but not limited to, providing direct services to students.

(c) The commissioner shall have the authority to assign any school or grade configuration within a school to the ASD at any time such school is designated to be in priority status pursuant to § 49-1-602.

(d)(1) The ASD may receive, control, and expend local and state funding for schools placed under its jurisdiction, and shall have the authority to seek, receive, expend, manage, and retain federal funding and grant funding and to otherwise seek, obtain, expend, manage, and retain funding with the same authority as an LEA. The ASD shall receive from the department or LEA, as appropriate, an amount equal to the per student state and local funds received by the department or LEA for the students enrolled in the ASD school. ASD

schools shall also receive all appropriate allocations of federal funds as other LEAs under federal law or regulation, including, but not limited to, Title I and ESEA funds. All funding allocations and disbursements shall be in accordance with procedures developed by the department.

(2) The ASD shall have the authority to receive donations of money, property or securities from any source for the benefit of the ASD and schools within the ASD. All such funds shall, in good faith, be disbursed in accordance with the conditions of the gifts.

(3) To the extent that any state and local funds allocated to the ASD are not used to support a school or LEA in the ASD, they shall be allocated to a state reserve fund to be distributed to the appropriate LEA upon approval of the commissioner and upon the removal of the school from the ASD.

(e) The ASD may require any LEA to provide school support or student support services for a school transferred from the LEA's jurisdiction including, but not limited to, student transportation, school food service, alternative schools or student assessment for special education eligibility that are compliant with all laws and regulations governing such services. In such cases, the ASD shall reimburse the actual cost to the LEA providing such services.

(f) The ASD shall have the right to use any school building and all facilities and property otherwise part of the school and recognized as part of the facilities or assets of the school prior to its placement in the ASD and shall have access to such additional facilities as were typically available to the school, its students, faculty and staff prior to its placement in the ASD. Such use shall be unrestricted and free of charge, except that the ASD shall be responsible for and obligated to provide for routine maintenance and repair such that the facilities and property are maintained in as good order as when the right of use was acquired by the ASD. The ASD shall also be responsible for paying all utilities in use at ASD-utilized facilities. Extensive repairs to buildings or facilities considered capital expenses shall be the responsibility of the LEA and not the ASD. Any fixtures, improvements or tangible assets added to a school building or facility by the ASD shall remain at the school building or facility upon its return to the LEA.

(g)(1) If it is determined that the ASD shall directly operate a school within the ASD, the employees hired to work in schools directly operated by the ASD may be deemed employees of the ASD and such employees shall be under the exclusive control of the ASD. The ASD shall develop written procedures, subject to the approval of the commissioner, for employment and management of personnel as well as the development of compensation and benefit plans. Within the limits of the budget, staffing needs of any school within the ASD shall be exclusively determined by the ASD with approval of the commissioner.

(2) The ASD, or the entity under contract to operate schools within the ASD, shall have the authority to determine whether any teacher who was assigned to such school prior to the school's transfer into the ASD shall have the option of continuing to teach at that school as an employee of either the ASD or the operating entity. Any teacher not given that option shall remain an

employee of the LEA, subject to the provisions of § 49-5-511. Moreover, any teacher who accepts that option may, at the discretion of the LEA, return as an employee of the LEA, should the ASD or operating entity later determine not to continue to employ such teacher.

(3) With the exception of the provisions protecting teachers' rights to accumulated sick leave, retirement benefits, pension and tenure status within an LEA, the provisions of § 49-5-203, and the Education Professional Negotiations Act, compiled in Chapter 5, Part 6 of this title, prior to June 1, 2011, shall not apply to teachers who accept the option of continuing to teach at a school placed in the ASD.

(h) Notwithstanding any provision of law to the contrary, the ASD shall, at a minimum, have the same authority and autonomy afforded to LEAs under state law regarding the procurement of property, goods and services, including, but not limited to, personal, professional, consulting, and social services. The ASD shall develop written procedures for the procurement of all goods and services in compliance with the expenditure thresholds for competitive bidding outlined or permitted in § 49-2-203. Such procedures shall be submitted to and approved by the commissioner.

(i) Notwithstanding Title 12, Chapter 7, Part 1, or any other provisions of law to the contrary, the ASD shall have the authority to authorize the preparation and use of publications and other media for the marketing and public education needs of the ASD in order to effectively carry out its mission.

(j) The ASD or any entity the ASD contracts with to operate or manage schools that have been placed in the ASD may apply to the commissioner for a waiver of any state board rule that inhibits or hinders the ability of the school to increase student achievement. Notwithstanding the provisions of this subsection (j), the commissioner shall not waive rules related to the following:

- (1) Federal and state civil rights;
- (2) Federal, state and local health and safety;
- (3) Federal and state public records;
- (4) Immunizations;
- (5) Possession of weapons on school grounds;
- (6) Background checks and fingerprinting of personnel;
- (7) Federal and state special education services;
- (8) Student due process;
- (9) Parental rights;
- (10) Federal and state student assessment and accountability;
- (11) Open meetings; and

(12) At least the same equivalent time of instruction as required in regular public schools.

(k)(1) A school that has been removed from the LEA and placed in the ASD shall remain in the ASD for a minimum of five (5) years. After the school improves student performance for two (2) consecutive years such that the school would no longer be identified as a priority school pursuant to § 49-1-602, the commissioner shall develop a transition plan for the purpose of planning the school's return to the LEA. Implementation of this plan shall begin after the school achieves the required improvements for three (3) consecutive years. The plan shall be fully implemented and the transition shall be completed after the school achieves the required improvements for five (5) consecutive years, unless the LEA is identified as an LEA in need of improvement pursuant to § 49-1-602(a) and the parents of sixty percent (60%) of the children enrolled at the school demonstrate support for remaining in the ASD by signing a petition. Such school shall return to the LEA after the LEA is no longer identified as in need of improvement; provided, that the school is not identified as a priority school pursuant to § 49-1-602.

(2) Notwithstanding the provisions of subdivision (k)(1) or any other provision to the contrary, if a school enters the ASD and is operated as a charter school through authorization by the ASD pursuant to § 49-13-106, the ASD shall remain the chartering authority through the duration of the charter agreement and the school shall remain under the authority of the ASD. Upon expiration of the charter agreement, and provided the conditions set forth in subdivision (k)(1) are met, the school shall return to the LEA and the terms of the charter agreement may be renewed upon submission of a renewal application by the governing body of the charter school to the LEA under the provisions outlined in § 49-13-121.

(3) Notwithstanding the provisions of subdivision (k)(1) or any other provision to the contrary, the commissioner shall have the authority to remove any school from the jurisdiction of the ASD at any time.

(l) Any individuals, governmental entities or nonprofit entities contracting with the commissioner to operate any school under this section shall provide timely information to the LEA and director of schools regarding the operation of such schools, including, but not limited to, matters relating to employment of personnel at the school as provided for in this section. The LEA may continue to support the educational improvement of the school under the direction and guidance of the commissioner and in accordance with any contracts entered into in accordance with this section. In addition, any individuals, governmental entities or nonprofit entities contracting with the commissioner may voluntarily work with the LEA in providing to the schools professional development or technical assistance, instructional and administrative support and facilitating any other support that may be beneficial to academic progress of the school.

(m) Any contracts to operate schools that have been placed in the ASD shall require expenditure reports for funds received and expended pursuant to such contracts. Such reports shall be provided to the Department of Education and comptroller of the treasury for review.

SECTION 7. The State Board of Education is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 8. If any provision of this act or the application of it to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to that end, the provisions of this act are declared to be severable.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2208**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 2237 -- Safety, Dept. of -- As introduced, authorizes department to enter into partnership agreements with nonprofit organizations to promote and support the goals and objectives of the agency. Amends TCA Title 4, Chapter 3, Part 20.

Senator Tracy moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 20, is amended by adding the following as a new, appropriately designated section:

4-3-20__.

(a) The Department of Safety and Homeland Security is authorized to enter into agreements with nonprofit organizations for the purpose of promoting and supporting the goals and objectives of the agency including, but not limited to, law enforcement, safety education, motorist services, disaster preparedness and prevention, and marketing opportunities. No contractual agreement shall be entered into with any nonprofit entity that is tax exempt under United States Internal Revenue Code 501(c)(3), codified in 26

U.S.C. 501(c), as a religious organization, an organization that is affiliated with a religious organization as defined in 26 CFR 1.6033-2 (h), a nonprofit entity that is tax exempt under United States Internal Revenue Code 527, codified in 26 U.S.C. 527, as a political organization, or an organization that is affiliated with a political organization, as "affiliated" is defined in 11 CFR, Chapter 1.

(b) This section shall not be interpreted to abridge any powers or duties delegated to the agency in this part.

(c) The nonprofit shall have their board of directors elected by a process approved by the governor or the governor's designee.

(d) The nonprofit shall be properly incorporated under the laws of this state, and approved by the Internal Revenue Service as organizations that are exempt from federal income tax under § 501(a) of the Internal Revenue Code, codified in 26 U.S.C. § 501(a), by virtue of being organizations described in § 501(c)(3) of the Internal Revenue Code, codified in 26 U.S.C. § 501(c)(3).

(e) The nonprofit shall annually submit to the governor, the Speakers of the Senate and the House of Representatives, within ninety (90) days after the end of their fiscal year, a complete and detailed report setting forth their operation and accomplishments.

(f) The annual reports and all books of accounts and financial records of all funds received by grant, contract or otherwise from state, local or federal sources shall be subject to audit annually by the comptroller of the treasury. With prior approval of the comptroller of the treasury, the audit may be performed by a licensed independent public accountant selected by the nonprofit partner. If an independent public accountant is employed, the audit contract between the nonprofit partner and the independent accountant shall be on contract forms prescribed by the comptroller of the treasury. The cost of any audit shall be paid by the nonprofit partner. The comptroller of the treasury shall ensure that audits are prepared in accordance with generally accepted governmental auditing standards and determine if the audits meet minimum audit standards prescribed by the comptroller of the treasury. No audit may be accepted as meeting the requirements of this section until approved by the comptroller of the treasury.

(g) All full board meetings of a nonprofit organization concerning activities authorized by this section shall be open to the public, except for executive sessions that include, but are not limited to, any of the following matters: litigation; audits or investigations; human resources issues; gift acceptance deliberations; board training; governance; donor strategy sessions; and security measures.

(h) All expenditures of a nonprofit organization relating to activities authorized by this section shall be open for public inspection upon specific request to the nonprofit organization.

(i) The proposed charter and any proposed amendments of a nonprofit organization shall be submitted to the comptroller of the treasury for review and comment prior to the adoption of any such charter or amendments.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Tracy moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting the amendatory language "All expenditures of a nonprofit organization" in § 4-3-20__ (h) of Section 1 of the bill as amended and by substituting instead the language "All contributions to and expenditures of a nonprofit organization".

Pursuant to Rule 39(3), Amendment No. 2 was adopted by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

Thereupon, **Senate Bill No. 2237**, as amended, passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senate Bill No. 2243 -- Transportation, Dept. of -- As introduced, authorizes department to enter into a negotiated contract with a financial institution for the purpose of stabilizing the net expense of the department for the purchase of gasoline, diesel or other fuels, or the net expense of price adjustments made for fuel, bituminous materials or other materials in the department's construction contracts. Amends TCA Title 4, Chapter 3, Part 23.

On motion, Senate Bill No. 2243 was made to conform with **House Bill No. 2381**.

On motion, House Bill No. 2381, on same subject, was substituted for Senate Bill No. 2243.

On motion of Senator Tracy, Amendment No. 1 was withdrawn.

Senator McNally moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 23, is amended by adding the following language as a new section thereto:

4-3-2312.

(a) Notwithstanding any other law to the contrary, the Commissioner of Transportation may enter into a negotiated contract or contracts with a bank, investment bank or other similar financial institution for the purpose of stabilizing the net expense of the Department of Transportation in the purchase of gasoline, diesel, or other fuels for the department's own use.

(b) The contracts entered into under this section may include, without limitation, financial instruments commonly referred to as hedges, futures, options, swap transactions, or any similar financial instrument for cost stabilization. The contracts authorized herein shall not be deemed contracts for services subject to the provisions of § 12-4-109.

(c) Notwithstanding any other law to the contrary, the contracts authorized in this section may be procured in such manner pursuant to policy and executed in such form, all as approved by the state chief procurement officer, with the approval of the state funding board. Such policy shall provide, at a minimum, that the initial selection of financial institutions for the purpose of entering into such contracts shall be conducted by a public solicitation and request for qualifications, including credit worthiness and other factors as determined by the state chief procurement officer, with the approval of the state funding board.

(d) When entering into any contract authorized under this section, the written contract shall provide that the rights and remedies of the parties thereto shall be governed by the laws of Tennessee or the laws of such other state or nation as may bear a reasonable relationship to the transaction; provided, however, that any suit, action, or proceeding at law or in equity against the State shall be brought solely in any court of competent jurisdiction in Davidson County, Tennessee.

(e) The Commissioner of Transportation shall report to the state funding board and to the chairs of the Senate and House Finance, Ways and Means Committees no later than January 31, 2013, and annually thereafter prior to January 31, as to the utilization of the authority of this section.

(f) The authority granted under this section is in addition to, and supplemental to, any existing authority granted under any other law but shall expire on June 30, 2016.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2381**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 2250 -- Sentencing -- As introduced, increases the punishment for unlawful possession of firearm by person with previous felony conviction. Amends TCA Title 39 and Title 40.

Senate Bill No. 2250 passed its third and final consideration by the following vote:

Ayes	31
Noes	0
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

Senator present and not voting was: Henry--1.

A motion to reconsider was tabled.

Senate Bill No. 2252 -- Sentencing -- As introduced, establishes enhanced punishment for crimes of force or violence committed while acting in concert with two or more other persons. Amends TCA Title 39 and Title 40.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting subsection (a) of Section 3 in its entirety and substituting instead the following:

(a) A crime of force or violence committed while acting in concert with two (2) or more other persons shall be classified one (1) classification higher than if it was committed alone.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2252**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senator McNally moved that **Senate Bill No. 2416** be placed on the Calendar for Monday, March 26, 2012, which motion prevailed.

Senate Bill No. 2422 -- Taxes, Franchise -- As introduced, caps the amount of penalties to .5 percent for franchise, excise filing date extensions; requires certain taxpayers to make a 90 percent tax payment as a condition to receiving an extension. Amends TCA Section 67-1-804 and Section 67-4-2015.

On motion, Senate Bill No. 2422 was made to conform with **House Bill No. 2406**.

On motion, House Bill No. 2406, on same subject, was substituted for Senate Bill No. 2422.

On motion of Senator McNally, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2406** passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

MONDAY, MARCH 19, 2012 -- 62ND LEGISLATIVE DAY

Senate Bill No. 2563 -- Alcoholic Beverages -- As introduced, allows restaurant to have minimum of 40 seats instead of 75 seats for purpose of selling alcoholic beverages; clarifies that limited service restaurant may sell more than 50 percent food and still qualify for license. Amends TCA Title 57, Chapter 4.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the language "deleting the table" in the directory language of Section 3 of the bill and substituting instead the following language "deleting the first table labeled (i) through (v) for restaurants".

On motion, Amendment No. 1 was adopted.

Senator Yager moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 57-4-102(21), is amended by adding the following as a new subdivision thereto:

(__) For purposes of this subdivision (21), a limited service restaurant may have food delivered from off-premises in order to fulfill the prepared food requirement. A limited service restaurant shall not be required to maintain kitchen facilities in order to qualify for a license.

On motion, Amendment No. 2 was adopted by the following vote:

Ayes 14
Noes 13
Present, not voting . . . 1

Senators voting aye were: Crowe, Faulk, Haynes, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Tate, Watson, Yager and Mr. Speaker Ramsey--14.

Senators voting no were: Barnes, Beavers, Bell, Berke, Burks, Finney, Ford, Henry, Herron, Kyle, Marrero, Stewart and Summerville--13.

Senator present and not voting was: Roberts--1.

Thereupon, **Senate Bill No. 2563**, as amended, failed for lack of a constitutional majority by the following vote:

Ayes 15
Noes 12
Present, not voting . . . 1

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Senators voting aye were: Crowe, Faulk, Gresham, Haynes, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Tate, Watson, Yager and Mr. Speaker Ramsey--15.

Senators voting no were: Barnes, Beavers, Bell, Berke, Burks, Finney, Henry, Herron, Kyle, Marrero, Stewart and Summerville--12.

Senator present and not voting was: Roberts--1.

A motion to reconsider was tabled.

Pursuant to Rule 62, **Senate Bill No. 2563**, as amended, was rereferred to Committee on Calendar.

Senate Bill No. 2587 -- Drugs, Prescription -- As introduced, revises the list of prescribed medication for patients at a pain management clinic. Amends TCA Title 63, Chapter 1.

Senator Overbey declared Rule 13 on **Senate Bill No. 2587**.

Senator Crowe moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-1-301, is amended by deleting subdivision (5) in its entirety and by substituting instead the following:

(5) "Pain management clinic" means a privately-owned facility in which a majority of the facility's patients, seen by any or all of its medical doctors, osteopathic physicians, advanced practice nurses with certificates of fitness to prescribe, or physician assistants, are provided pain management services by being prescribed or dispensed, opioids, benzodiazepines, barbiturates, or carisoprodol, but not suboxone, for more than ninety (90) days in a twelve (12) month period; and

SECTION 2. Tennessee Code Annotated, Section 63-1-302, is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs, including, but not limited to, clinics that have an agreement to train residents by members of that clinic who are appointed as adjunct faculty of the school or program;

SECTION 3. Tennessee Code Annotated, Section 63-1-302, is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) A hospital as defined in § 68-11-201, including any outpatient facility or clinic of a hospital if such outpatient facility or clinic is regulated under Title 68;

SECTION 4. Tennessee Code Annotated, Section 63-1-306, is amended by deleting subdivision (j) in its entirety and by substituting instead the following:

(j) A pain management clinic operating on or before January 1, 2012, may continue to operate as long as an application for certification is timely filed on or before October 1, 2012. This provision shall apply retroactively to applications for certification filed since January 1, 2012.

SECTION 5. Tennessee Code Annotated, Section 63-1-309, is amended by adding the following at the end of subdivision (a)(2):

An applicant who is denied a certificate or a renewal of a certificate may appeal the decision in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

SECTION 6. Tennessee Code Annotated, Title 63, Chapter 1, is amended by adding the following new section:

63-1-312.

(a) If, prior to the renewal of a certificate pursuant to § 63-1-308, a registered pain management clinic wishes to voluntarily inactivate its certificate, it shall file notification with the department. The notification shall state the date on which the pain management clinic did or will cease to operate as a pain management clinic (the inactive date). In no case shall a certificate be considered inactivated on any date on which the clinic operated or will operate as a pain management clinic. No fees will be refunded as a result of the filing of an inactivity notice.

(b) The department may charge a fee to process inactivity notices received from pain management clinics.

(c) This section shall not be used to circumvent enforcement or inspection activities conferred by this part to the department or a board for any alleged offense occurring during the time the pain clinic was registered or was required to be registered as a pain management clinic.

(d) If the pain management clinic thereafter wishes to register, it shall submit a new application, pay the requisite registration fee and meet such other reasonable requirements as deemed necessary by the department as if an original application was filed.

SECTION 7. This act shall take effect on becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2587**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

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Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 2646 -- Education -- As introduced, requires high schools to forward vaccination records to higher education institution on behalf of dual enrollment student upon request of the student's parent or guardian; authorizes Commissioner of Education to promulgate rules to implement this act. Amends TCA Title 49 and Title 68, Chapter 5.

On motion, Senate Bill No. 2646 was made to conform with **House Bill No. 2229**.

On motion, House Bill No. 2229, on same subject, was substituted for Senate Bill No. 2646.

On motion of Senator Gresham, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2229** passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Stewart, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

Senator Ketron moved that **Senate Bill No. 2714** be moved three places down on the Calendar for today, which motion prevailed.

Senator Tracy moved that **Senate Bill No. 2807** be placed on the Calendar for Monday, March 26, 2012, which motion prevailed.

Senate Bill No. 2839 -- Motor Vehicles -- As introduced, increases from three to five days wherein the police, or a towing firm with possession of vehicles in the custody of police, must verify ownership of abandoned, immobile or unattended motor vehicles and notify the last registered owner. Amends TCA Title 55, Chapter 16, Part 1.

Senator Tracy moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

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SECTION 1. Tennessee Code Annotated, Section 55-16-105, is amended by designating the existing language of subsection (g) as subdivision (g)(1) and by adding a new subdivision thereto, as follows:

(2) A garagekeeper or towing firm that does not verify ownership of a motor vehicle within three (3) business days after taking possession of such motor vehicle pursuant to this section or that does not notify by mail the owner of such motor vehicle within six (6) days after taking possession shall not be entitled to receive more than six (6) days of storage-related expenses. A garagekeeper or towing firm that is found by a court of competent jurisdiction to have failed upon presentment of payment for towing and storage expenses to release a motor vehicle shall be subject to civil liability to a vehicle owner, secured creditor, lessor or lienholder who prevails in an action brought under this section for reasonable costs and attorney's fees incurred by the person instituting the action.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

Senator Tracy moved that **Senate Bill No. 2839** be placed on the Calendar for Thursday, March 22, 2012, which motion prevailed.

Senate Bill No. 2866 -- Education -- As introduced, authorizes designees of the comptroller of the treasury, the secretary of state and the state treasurer to serve on THEC. Amends TCA Title 49.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-211(a), is amended by adding the following language as new, appropriately designated subdivisions:

() A list of the Advanced Placement (AP) courses offered in each LEA and a list of the AP courses offered in each of the LEA's schools that serve grades in which AP courses could be taken. The number of students taking AP courses and the percentage of students scoring 3 or above on AP exams shall be reported by LEA and by school.

() A list of the dual enrollment courses taken by students in each LEA and a list of the dual enrollment courses taken by students in each of the LEA's schools that serve grades in which dual enrollment courses could be taken. The number of students taking dual enrollment courses and the percentage of students successfully completing dual enrollment courses shall be reported by LEA and by school.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

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Thereupon, **Senate Bill No. 2866**, as amended, passed its third and final consideration by the following vote:

Ayes 31
Noes 1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

Senator voting no was: Summerville--1.

A motion to reconsider was tabled.

Senator Ketron moved that **Senate Bill No. 2714** be placed on the Calendar for Monday, March 26, 2012, which motion prevailed.

Senator Burks moved that **Senate Bill No. 2978** be placed on the Calendar for Monday, March 26, 2012, which motion prevailed.

Senate Bill No. 3122 -- Education -- As introduced, allows teachers to remove disruptive students from class pursuant to local board policies. Amends TCA Title 49.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following language as new subsection (f) in the amendatory language of Section 1 of the bill:

(f) This section shall only apply to students in grades five through twelve (5-12).

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3122**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0
Present, not voting . . . 1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

Senator present and not voting was: Stewart--1.

A motion to reconsider was tabled.

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Senate Bill No. 3411 -- Campaigns and Campaign Finance -- As introduced, allows audits of members of the general assembly to begin once session ends instead of June if session ends earlier than June. Amends TCA Title 2, Chapter 10 and Title 4, Chapter 55.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 2-10-105(e)(1), is amended by adding the following language after the first sentence:

A statement certifying a candidate's treasurer must contain the office the candidate is seeking and the year of the election.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3411**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 2341 -- Sunset Laws -- As introduced, extends the air pollution control board, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 201, Part 1.

Senator Bell moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-236(a), is amended by adding the following as a new, appropriately designated subdivision:

() Air pollution control board, created by § 68-201-104;

AND FURTHER AMEND by adding the following language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 68-201-104, is amended by deleting subdivision (b)(1) in its entirety and by substituting instead the following:

(b)(1) The members of the board shall be the Commissioner of Environment and Conservation, the Commissioner of Economic and Community Development, and twelve (12) other members who shall be appointed by the governor, as follows:

(A) One (1) shall be a registered professional engineer as defined in Title 62, Chapter 2, who shall have at least five (5) years' experience in the field of air pollution control;

(B) One (1) shall be a physician, licensed in compliance with Title 63, Chapter 6, who shall be experienced in the health effects of air contaminants;

(C) One (1) shall be engaged in a field which is directly related to agriculture or conservation;

(D) One (1) shall be actively engaged in the management of a private manufacturing concern who may be appointed from lists of qualified persons submitted by interested business groups including, but not limited to, the Tennessee Association of Business;

(E) One (1) shall be a county mayor or chief executive officer of a Tennessee county who may be appointed from lists of qualified persons submitted by interested county services groups including, but not limited to, the Tennessee county services association;

(F) One (1) shall be engaged in municipal government who may be appointed from lists of qualified persons submitted by interested municipal groups including, but not limited to, the Tennessee Municipal League;

(G) Two (2) shall be from Tennessee industry having technical training and experience in air pollution abatement who may be appointed from lists of qualified persons submitted by interested business groups including, but not limited to, the Tennessee Association of Business;

(H) One (1) shall be involved in the program of an institute of higher learning in the state involved in the conducting of training in air pollution evaluation and control;

(I) One (1) who may be appointed from lists of nominees submitted to the governor by interested conservation groups including, but not limited to, the Tennessee Conservation League;

(J) One (1) shall be a small generator of air pollution who may be appointed from lists of qualified persons submitted by interested automotive groups including, but not limited to, the Tennessee Automotive Association; and

(K) One (1) may be appointed from lists of qualified persons submitted by interested environmental groups including, but not limited to, the Tennessee Environmental Council.

SECTION __. Tennessee Code Annotated, Section 68-201-104, is further amended by adding the following new language immediately preceding subdivision (b)(2) and by redesignating the subsequent subdivision accordingly:

(b)(2) The governor shall consult with interested groups including, but not limited to, the organizations listed in subdivision (b)(1) to determine qualified persons to fill positions on the board.

SECTION __. Tennessee Code Annotated, Section 68-201-105, is amended by adding the following new language, to be designated as subsection (e):

(e) The board shall adopt and implement rules and regulations to create a conflict of interest policy for board members. The policy shall mandate annual written disclosures of financial interests, other possible conflicts of interest, and an acknowledgement by board members that they have read and understand all aspects of the policy. The policy shall also require persons who are to be appointed to the board to acknowledge, as a condition of appointment, that they are not in conflict with the conditions of the policy.

On motion of Senator Bell, Amendment No. 1 to Amendment No. 1 was withdrawn.

On motion, Amendment No. 1 was adopted.

Senator Bell moved that Amendment No. 2 be placed behind Amendment No. 3, which motion prevailed.

Senator Bell moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting the language in Section 68-201-104(b)(1)(D) in the new section of the bill as amended by Senate Government Operations Committee Amendment No. 1 (draft # 13274) and by substituting instead the language:

(D) One (1) shall be actively engaged in the management of and with current full-time employment in a private manufacturing concern and have a college degree and eight (8) years of combined technical training and experience in permit compliance for Title 5 or Non-title 5 sources for a manufacturing facility permitted in the State of Tennessee, and may be appointed from lists of qualified persons submitted by interested manufacturing groups including, but not limited to, the Tennessee Chamber of Commerce and Industry.

AND FURTHER AMEND by deleting the language in Section 68-201-104(b)(1)(G) of the bill as amended by Senate Government Operations Committee Amendment No. 1 (draft # 13274) and by substituting instead the language:

(G) Two (2) shall be from Tennessee industry and with current full-time employment with a private manufacturing concern and have a college degree in engineering or equal and eight (8) years of combined technical training and experience in air pollution abatement for either a Title 5 permit holder or a Non-title 5 permitted source in the State of Tennessee, and

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may be appointed from lists of qualified persons submitted by interested manufacturing groups including, but not limited to, the Tennessee Chamber of Commerce and Industry.

On motion, Amendment No. 3 was adopted.

On motion of Senator Bell, Amendment No. 2 was withdrawn.

Thereupon, **Senate Bill No. 2341**, as amended, passed its third and final consideration by the following vote:

Ayes 25
Noes 6

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Henry, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--25.

Senators voting no were: Berke, Harper, Haynes, Herron, Kyle and Marrero--6.

A motion to reconsider was tabled.

Senate Bill No. 2717 -- Gas, Petroleum Products, Volatile Oils -- As introduced, defines "natural gas equipment" and "natural gas provider"; creates limited tort liability for natural gas providers if the cause of the injury or damages was from an undiscoverable alteration, modification or repair by the natural gas provider or an unforeseen use of the natural gas equipment. Amends TCA Title 29, Chapter 34, Part 2, as amended.

Thereupon, **Senate Bill No. 2717**, as amended, passed its third and final consideration by the following vote:

Ayes 31
Noes 1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

Senator voting no was: Herron--1.

A motion to reconsider was tabled.

Senate Bill No. 2788 -- Public Officials -- As introduced, provides that a public official receives an unauthorized benefit for purposes of the criminal offense of official misconduct if the official purchases real property knowing that the property may later be purchased by a governmental entity. Amends TCA Section 39-16-402.

Senator Beavers moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

Senator Kelsey moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-16-402, is amended by adding the following language as a new subsection (c) and redesignating subsequent subsections accordingly:

(c)(1) For purposes of subdivision (a)(5), ways in which a public servant receives a benefit not otherwise authorized by law include, but are not limited to, if the public servant:

(A) Purchases real property or otherwise obtains an option to purchase real property if the public servant knows that such real property may be purchased by a governmental entity and such information is not public knowledge; or

(B) Under color of office or employment, communicates, directly or indirectly with the executive officer of the governmental entity concerning the purchase of real property described in subdivision (c)(1)(A), or communicates, directly or indirectly, with a person designated by such executive officer or by the charter or governing document of the governmental entity as the person authorized to make the decision that a governmental entity purchase real property described in subdivision (c)(1)(A), that the public servant owns or owns an option to purchase.

(2) Ouster provisions shall be instituted upon a conviction under subsection (a) in which the conduct described in subsection (c) is basis of the violation. In addition any person convicted of such offense shall forever afterwards be disqualified from holding any office under the laws or constitution of this state.

SECTION 2. Tennessee Code Annotated, Section 39-16-402, is amended by deleting subsection (d), which was redesignated as subsection (e) by this act, and substituting instead the following:

(e)(1) An offense under subsection (a) in which the conduct described in subsection (c) is not the basis of the violation is a Class E felony.

(2) An offense under subsection (a) in which the conduct described in subsection (c) is basis of the violation is a Class A misdemeanor and the court shall order appropriate restitution to the governmental entity harmed by the offense.

(3) If the defendant's conduct violates this section and other criminal statutes, nothing in this subsection shall be construed as prohibiting prosecution and conviction for theft or any other such applicable offense in addition to or in lieu of prosecution and conviction for a violation of this section.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.

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On motion, Amendment No. 2 was adopted.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Senator Kelsey moved that **Senate Bill No. 2788**, as amended, be placed on the Calendar for Thursday, March 22, 2012, which motion prevailed.

Senate Bill No. 3645 -- Campaigns and Campaign Finance -- As introduced, removes prohibition on insurance companies making campaign contributions; removes PAC aggregate limitation on candidates; deletes report requirement on certain large contributions made within 10 days of election. Amends TCA Title 2, Chapter 10 and Title 56, Chapter 3.

Senator Faulk declared Rule 13 on **Senate Bill No. 3645**.

Senator Overbey declared Rule 13 on **Senate Bill No. 3645**.

Senator Norris declared Rule 13 on **Senate Bill No. 3645**.

Senator Massey declared Rule 13 on **Senate Bill No. 3645**.

Senator Ketron declared Rule 13 on **Senate Bill No. 3645**.

Senator Kelsey declared Rule 13 on **Senate Bill No. 3645**.

Senator Johnson declared Rule 13 on **Senate Bill No. 3645**.

Senator Campfield declared Rule 13 on **Senate Bill No. 3645**.

Senator Gresham declared Rule 13 on **Senate Bill No. 3645**.

Senator Bell declared Rule 13 on **Senate Bill No. 3645**.

Senator Tracy declared Rule 13 on **Senate Bill No. 3645**.

Senator Yager declared Rule 13 on **Senate Bill No. 3645**.

Senator Haynes moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 2 and Section 3 of the printed bill and by renumbering the subsequent sections accordingly.

Senator Watson moved that Amendment No. 1 go to the table, which motion prevailed by the following vote:

Ayes 17
Noes 12

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Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, McNally, Norris, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--17.

Senators voting no were: Barnes, Berke, Burks, Finney, Harper, Haynes, Henry, Herron, Kyle, Marrero, Stewart and Tate--12.

Thereupon, **Senate Bill No. 3645** passed its third and final consideration by the following vote:

Ayes	18
Noes	11
Present, not voting . . .	2

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--18.

Senators voting no were: Barnes, Berke, Burks, Finney, Harper, Haynes, Herron, Kyle, Marrero, Overbey and Stewart--11.

Senators present and not voting were: Henry and Roberts--2.

A motion to reconsider was tabled.

House Joint Resolution No. 202 -- Memorials, Congress -- Expresses support for continued federal funding of Erwin and Dale Hollow National Fish Hatcheries.

House Joint Resolution No. 202 was concurred in by the following vote:

Ayes	24
Noes	4
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Berke, Burks, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Herron, Johnson, Ketron, Kyle, Marrero, Massey, McNally, Overbey, Roberts, Southerland, Stewart, Tate, Yager and Mr. Speaker Ramsey--24.

Senators voting no were: Bell, Kelsey, Summerville and Watson--4.

Senator present and not voting was: Henry--1.

A motion to reconsider was tabled.

MESSAGE CALENDAR

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2248 -- Probation and Parole -- As introduced, transfers from board of probation and parole to Department of Correction certain functions relating to probation and parole services and the community correction grant program. Amends TCA Title 4; Title 38; Title 39; Title 40; Title 41 and Title 55.

HOUSE AMENDMENT NO. 3

AMEND by deleting the following language:

(b) The board of parole may require, as a mandatory condition of release for any person convicted of a serious offender as defined in this chapter or for other offenders as the board deems appropriate, that the person be enrolled in a satellite-based monitoring program for the full extent of the person's term of parole, consistent with the requirements of § 40-39-302.

and by substituting instead the following language:

(b) The board of parole may require, as a mandatory condition of release for any person convicted of a serious offense as defined in this chapter or for other offenders as the board deems appropriate, that the person be enrolled in a satellite-based monitoring program for the full extent of the person's term of parole, consistent with the requirements of § 40-39-302.

Senator Faulk moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 2248**, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Gresham, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3010 -- Emergency Communications Districts -- As introduced, authorizes the diversion of harassing non-initialized 911 phone calls to a designated entity. Amends TCA Title 7, Chapter 86, Part 3.

HOUSE AMENDMENT NO. 2

AMEND by deleting the language ", a CMRS service provider" in subdivision (2) of subsection (c) in Section 1 of the printed bill.

AND FURTHER AMEND by deleting the language ", a CMRS service provider" in subdivision (4) of subsection (c) in Section 1 of the printed bill.

Senator Massey moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 3010**, which motion prevailed by the following vote:

Ayes	30
Noes	0

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Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

MOTION

Senator Herron moved that Rules 19 and 37 be suspended for the purpose of considering **Senate Bill No. 3785**, out of order, which motion prevailed.

Senate Bill No. 3785 -- Weakley County -- As introduced, subject to local approval, abolishes the Weakley County Highway Commission.

On motion, Senate Bill No. 3785 was made to conform with **House Bill No. 3849**.

On motion, House Bill No. 3849, on same subject, was substituted for Senate Bill No. 3785.

House Bill No. 3849 passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

MOTION

Senator Crowe moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 3003** on the calendar for the Committee on Health and Welfare for Wednesday, March 21, 2012, which motion prevailed.

RECALL OF BILL

On motion of Senator McNally, **Senate Bill No. 3337** was recalled from the Committee on Finance, Ways and Means.

REFERRAL OF BILL

Senator McNally moved that Senate Bill No. 3337 be referred to the Committee on Calendar, which motion prevailed.

MOTION

Senator Overbey moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 770**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 770 -- Memorials, Personal Occasion -- Beulah Mae Graves Galyon, 90th birthday.

On motion of Senator Overbey, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 770** was concurred in.

A motion to reconsider was tabled.

MOTION

On motion of Senators Beavers and Johnson, their names were added as sponsors of **Senate Bills Nos. 893 and 3122**.

On motion of Senator McNally, his name was added as sponsor of **Senate Bill No. 1688; and Senate Joint Resolution No. 666**.

On motion of Senator Gresham, her name was added as sponsor of **Senate Bill No. 1923**.

On motion of Senator Kelsey, his name was added as prime sponsor of **Senate Bill No. 2081**.

On motion of Senator Beavers, her name was added as sponsor of **Senate Bills Nos. 2156 and 2788**.

On motion of Senators Burks, Ford, Harper, Marrero, Massey, Tracy and Watson, their names were added as sponsors of **Senate Bill No. 2199**.

On motion of Senator Johnson, his name was added as sponsor of **Senate Bill No. 2208; and House Joint Resolution No. 748**.

On motion of Senators Burks and McNally, their names were added as sponsors of **Senate Bill No. 2237**.

On motion of Senators Beavers, Bell, Berke, Burks, Herron, Johnson and Yager, their names were added as sponsors of **Senate Bill No. 2250**.

On motion of Senators Beavers, Berke, Burks, Herron, Johnson, Tate, Watson and Yager, their names were added as sponsors of **Senate Bill No. 2252**.

On motion of Senator Kelsey, his name was added as sponsor of **Senate Bill No. 2302**.

On motion of Senator Ketron, his name was added as sponsor of **Senate Bills Nos. 2535, 3762 and 3763; and House Joint Resolution No. 757**.

On motion of Senator Ford, her name was added as sponsor of **Senate Bill No. 2627**.

On motion of Senator Marrero, her name was added as sponsor of **Senate Bill No. 2900**.

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On motion of Senator Faulk, his name was added as prime sponsor of **Senate Bill No. 3305**.

On motion of Senator Finney, his name was removed as sponsor of **Senate Bill No. 3305**.

On motion of Senator Kelsey, his name was added as prime sponsor of **Senate Bill No. 3308**.

On motion of Senator Finney, his name was removed as sponsor of **Senate Bill No. 3308**.

On motion of Senator Yager, his name was added as sponsor of **Senate Joint Resolution No. 669**.

On motion of Senators Crowe and Harper, their names were added as sponsors of **Senate Joint Resolution No. 670**.

On motion of Senators Crowe and Southerland, their names were added as sponsors of **House Joint Resolution No. 202**.

On motion of Senator Tracy, his name was added as sponsor of **House Joint Resolution No. 587**.

On motion of Senator Faulk, his name was added as sponsor of **House Joint Resolution No. 752**.

On motion of Senator Massey, her name was added as sponsor of **House Joint Resolution No. 754**.

On motion of Senator Herron, his name was added as sponsor of **House Joint Resolution No. 755**.

ENGROSSED BILLS

March 19, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2156, 2208, 2237, 2250, 2252, 2341, 2587, 2717, 2866, 2900, 2910, 2920, 2943, 3122, 3411, 3645 and 3649; and Senate Joint Resolutions Nos. 552, 666, 667, 669 and 670; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MESSAGE FROM THE HOUSE

March 19, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2278, 2467, 2468, 2620, 2658, 2789, 2834, 2961, 3214, 3237, 3505, 3637, 3638, 3665, 3833, 3840, 3842 and 3847; passed by the House.

JOE MCCORD,
Chief Clerk.

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MESSAGE FROM THE HOUSE

March 19, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3849, passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 19, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 520, 599, 634, 649, 664, 679, 767, 768, 769, 771, 772, 774, 775, 776, 777, 778, 779, 780, 781, 782, 784, 786, 787, 788, 789, 792, 793, 794, 795, 796, 797 and 806; adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 19, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 770, adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 19, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 884, 2193, 3208, 3347, 3622 and 3788; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 19, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2202, 2215, 2528, 2552, 2764, 2825, 2931 and 3540; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 19, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 353, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664 and 665; concurred in by the House.

JOE MCCORD,
Chief Clerk.

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ENROLLED BILLS

March 20, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 884, 2193, 2202, 2215, 2528, 2552, 2764, 2825, 3208, 3347, 3540, 3622 and 3788; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MESSAGE FROM THE HOUSE

March 19, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2830, 3053, 3843, 3844, 3845 and 3848; for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 20, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 202, 522, 568, 745, 747, 748, 752, 754, 755, 756, 757 and 770; for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

SIGNED

March 19, 2012

The Speaker announced that he had signed the following: Senate Bills Nos. 2216, 2222, 2264, 2290, 2829 and 3263.

SIGNED

March 19, 2012

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 637, 638, 639, 640, 641, 642, 643 and 696; and Senate Resolution No. 87.

SIGNED

March 20, 2012

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 202, 522, 568, 745, 748, 752, 754, 755, 756, 757 and 770.

MESSAGE FROM THE HOUSE

March 19, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2226, 2297, 2384, 2466, 2490, 2576, 2647, 2766, 2841, 2885, 3379 and 3779; signed by the Speaker.

JOE MCCORD,
Chief Clerk.

MONDAY, MARCH 19, 2012 -- 62ND LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

March 19, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 637, 638, 639, 640, 641, 642, 643 and 696; signed by the Speaker.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 20, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2216, 2222, 2264, 2290, 2829 and 3263; signed by the Speaker.

JOE MCCORD,
Chief Clerk.

REPORT OF DEPUTY CHIEF CLERK

March 19, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 637, 638, 639, 640, 641, 642, 643 and 696; for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk.

REPORT OF DEPUTY CHIEF CLERK

March 20, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 2216, 2222, 2226, 2264, 2290, 2297, 2384, 2466, 2490, 2576, 2647, 2766, 2829, 2841, 2885, 3263, 3379 and 3779; for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MESSAGE FROM THE GOVERNOR

March 19, 2012

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 626, 627, 628, 630, 631, 632, 633 and 634; with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

MONDAY, MARCH 19, 2012 -- 62ND LEGISLATIVE DAY

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, March 22, 2012: Senate Joint Resolutions Nos. 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 691, 692, 694 and 695; Senate Resolution No. 90; and House Joint Resolutions Nos. 758, 759, 760, 761, 762, 763, 764, 765, 785 and 790.

This the 20th day of March, 2012.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, March 22, 2012: Senate Bills Nos. 2645 and 3539.

This the 20th day of March, 2012.
MIKE FAULK, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, March 22, 2012: Senate Bills Nos. 13, 2189, 2233, 2245, 2302, 2413, 2768, 3060, 3385, 3578, 3588, 3640, 3749, 1223, 2658, 2788, 2802, 2839, 3386 and 3392.

This the 20th day of March, 2012.
MIKE FAULK, Chairperson.

ADJOURNMENT

Senator Norris moved the Senate adjourn until 9:00 a.m., Thursday, March 22, 2012, which motion prevailed.